

## **House Committee on Civil Law and Procedure**

Minutes of Meeting  
2021 Regular Session  
April 13, 2021

### **I. CALL TO ORDER**

Representative Gregory A. Miller, chairman of the House Committee on Civil Law and Procedure, called the meeting to order at 10:04 a.m. in Room 4, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Gregory A. Miller, chairman  
Representative Beryl A. Amedée  
Representative Robby Carter  
Representative Wilford Dan Carter, Sr.  
Representative Michael Charles Echols  
Representative Julie Emerson  
Representative Lawrence "Larry" Frieman  
Representative Patrick O. Jefferson  
Representative Sam L. Jenkins, Jr.  
Representative Michael T. Johnson, vice chairman  
Representative Mandie Landry  
Representative Ed Larvadain, III  
Representative Joseph A. Marino, III  
Representative Nicholas Muscarello, Jr.  
Representative Richard James Nelson  
Representative Thomas A. Pressly  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Valarie Hodges

#### **STAFF MEMBERS PRESENT:**

Annie Smith, attorney  
Amy Pirtle, attorney  
Diane Merritt, committee administrative assistant

**ADDITIONAL ATTENDEES PRESENT:**

Vivian Hurst, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 295 by Representative Seabaugh**

On behalf of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 295, which provides relative to immovable property in successions. Without objection, action on House Bill No. 295 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 418 by Representative Robby Carter**

On behalf of the author, Representative Gregory A. Miller offered a motion to voluntarily defer action on House Bill No. 418, which provides for the definition of a small succession. Without objection, action on House Bill No. 418 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 449 by Representative Wilford Carter**

On behalf of the author, Representative Gregory A. Miller offered a motion to voluntarily defer action on House Bill No. 449, which provides relative to the suspension of a child support obligation during the obligor's incarceration. Without objection, action on House Bill No. 449 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 500 by Representative McMahan**

On behalf of the author, Representative McMahan, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 500, which provides relative to the prohibition against alcohol consumption for noncompliance of child support orders. Without objection, action on House Bill No. 500 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

**House Bill No. 37 by Representative Bacala**

Representative Bacala presented House Bill No. 37, which provides for uniform post-placement functions associated with agency adoptions and private adoptions.

On behalf of the author, Representative Gregory Miller offered amendments to:

- (1) Remove references to "supervisory writs".
- (2) Specify that private visits with each child shall be without the presence of the adoptive parents.
- (3) Change the yearly adoptive statistical requirement to include all children, not just children born in Louisiana.
- (4) Make technical changes.

Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Teri James Casso, St. Elizabeth Foundation, 14473 Oak Path, Prairieville, LA70124, (225) 806-4427, spoke in support of House Bill No. 37.

Sarah Zagorski, Louisiana Right to Life, 200 Robert E. Lee, New Orleans, LA, spoke in support of House Bill No. 37.

Tom Costanza, Louisiana Conference of Catholic Bishops, 2421 S. Acadian Thruway, Baton Rouge, LA 70808, (225) 344-7120, spoke for information only on House Bill No. 37.

Stephanie Sterling, Catholic Charities of Diocese of Baton Rouge, 1900 S. Acadian Thruway, Baton Rouge, LA 70808, (225) 336-8708, spoke for information only on House Bill No. 37.

Representative Mike Johnson offered a motion to report House Bill No. 37 with amendments. Without objection, House Bill No. 37 was reported with amendments by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 3 for information only. Witness cards are included in the committee records.

### **House Bill No. 307 by Representative Schamerhorn**

Representative Schamerhorn presented House Bill No. 307, which provides relative to notary examination preparatory education and instruction reporting requirements.

Steve Hawkland, legal counsel, Secretary of State, 3535 Archives Ave., Baton Rouge, LA 70809, (225) 287-7472, spoke for information only.

Representative Nelson offered a motion to report House Bill No. 307 favorably. Without objection, House Bill No. 307 was reported favorably by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, Pressly, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support. Witness cards are included in the committee records.

### **House Bill No. 55 by Representative Freeman**

Representative Freeman presented House Bill No. 55, which provides relative to protective orders.

Representative C. Denise Marcelle, 1824 N. Acadian Thruway W., Baton Rouge, LA 70802, (225) 359-9362, spoke in support House Bill No. 55.

Mariah Wineski, LA Coalition Against Domestic Violence, P.O. Box 77308, Baton Rouge, LA 70879, (225) 752-1296, spoke in support of House Bill No. 55.

Kim Sport, New Orleans Family Justice Center, 701 Loyola Ave., Suite 201, New Orleans, LA 70113, (504) 453-3313, spoke in support of House Bill No. 55.

Morgan Lamandre, Sexual Trauma Awareness & Response, 5615 Corporate Blvd., Suite No. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 55.

Kathy Williams, Oasis A Safe Haven, 601 W. 18<sup>th</sup> St., Lake Charles, LA 70601, (337) 436-4552, spoke in support of House Bill No. 55.

Jacquelyn G. Howard, New Orleans Family Justice Center, 701 Loyola Ave., Suite 201, New Orleans, LA 70113, (504) 616-5129, spoke in support of House Bill No. 55.

Katie Hunter Lowery, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70116, (504) 535-4921, spoke in support of House Bill No. 55.

Richard Ducote, 318 E. Boston St., Covington, LA 70433, (985) 898-2755, spoke in support of House Bill No. 55.

Debbie Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Bldg. A, Baton Rouge, LA 70809, (225) 293-1162, spoke for information only on House Bill No. 55.

On behalf of the author, Representative Gregory Miller offered a motion to voluntarily defer action on House Bill No. 55. Without objection, action on House Bill No. 55 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Wilford Carter, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, and Nelson voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 3 in support. Copies of these statements are included in the committee records.

***Further action was taken by the committee on House Bill No. 55 at a later meeting held on April 19, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 55.***

### **House Bill No. 125 by Representative Mike Johnson**

Representative Mike Johnson presented House Bill No. 125, which provides relative to the role of the Department of Children and Family Services as an indispensable party in certain domestic matters.

William Tilley, Department of Children and Family Services, 627 N. 4<sup>th</sup> St., Baton Rouge, LA 70802, (318) 676-7097, spoke for information only.

Representative Mike Johnson offered a motion to report House Bill No. 125 favorably. Without objection, House Bill No. 125 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Wilford Carter, Echols, Emerson, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Marino, Muscarello, and Seabaugh voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 1 for information only. Witness cards are included in the committee records.

### **House Bill No. 159 by Representative White**

On behalf of Representative White, Professor Andrea Carroll, Louisiana State Law Institute, Room W127, Paul M. Hebert Law Center, Baton Rouge, LA 70803, (225) 205-3901, presented House Bill No. 159, which provides for the definition of domestic abuse.

Representative White also presented House Bill No. 159.

On behalf of the author, Representative Gregory Miller offered amendments to make technical changes. Representative Gregory Miller offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Frieman, Jefferson, Jenkins, Mike Johnson, Landry, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Richard Ducote, 318 E. Boston St., Covington, LA 70433, (985) 898-2755, spoke in support of House Bill No. 55.

Lila Tritico Hogan, 309 E. Church St., Hammond, LA 70401, (985) 542-7730, spoke in support of House Bill No. 55.

Representative Larvadain offered a motion to report House Bill No. 159 with amendments. Without objection, House Bill No. 159 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Amedée, Robby Carter, Echols, Jefferson, Jenkins, Mike Johnson, Landry, Larvadain, Marino, Muscarello, Nelson, and Pressly voted yea. Representative Gregory Miller abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

### **IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 12:31 p.m.

Respectfully submitted,

Chairman Gregory A. Miller  
House Committee on Civil Law and Procedure